

JASON COTTON,  
  
Petitioner,  
  
vs.  
  
TERRY WHISNANT and  
BEVERLY WHISNANT,  
  
Defendants.

This matter is before the court upon its own motion. A Notice of Removal was filed by the Defendants in this matter on November 28, 2005. The Notice of Removal purports to remove a “Notice of Hearing Prior to Foreclosure Sale” from the Gaston County Superior Court on the basis of diversity jurisdiction. The Petitioner/Trustee is alleged to be a citizen of California and the Defendants are citizens of North Carolina. Pursuant to 28 U.S.C. § 1441(b), defendants who are citizens of North Carolina, the state in which this action is brought, may not properly remove the action to federal court. Accordingly, this court lacks jurisdiction over this matter, and this action is hereby REMANDED to the Gaston County Superior Court.

IT IS SO ORDERED.

**Signed: December 27, 2005**

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

